

UNITED STATES DISTRICT COURT
 for the
Eastern District of Michigan

United States of America

v.

Balbuena Cisneros

Case No.

Case: 2:23-mj-30151
 Assigned To : Unassigned
 Assign. Date : 4/11/2023
 Description: RE: BALBUENA
 CISNEROS (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 10, 2023 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)(1)	Possession with intent to distribute controlled substances

This criminal complaint is based on these facts:
 See attached affidavit

Continued on the attached sheet.

Kenneth Bresinski

Complainant's signature

Task Force Officer Kenneth Bresinski

Printed name and title

David R. Grand

Judge's signature

David R. Grand, U.S. Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: April 11, 2023

City and state: Detroit, MI

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, Kenneth Bresinski, Task Force Officer of the Drug Enforcement Administration, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Task Force Officer with the U.S. Drug Enforcement Administration (or DEA) and thus a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I have been a Task Force Officer with the DEA since 2019.
2. I also have been employed as a police officer with the City of Sterling Heights since 2007. Additionally, prior to joining the Sterling Heights Police Department, I was a police officer with the Detroit Police Department from 2000 to 2007. As a police officer and Task Force Officer with DEA, I have participated in numerous investigations related to illegal drug trafficking. Many of those investigations have resulted in the seizure of marijuana, prescription pills, cocaine, methamphetamine, heroin, and/or fentanyl. As a part of these investigations, I have conducted or participated in physical and electronic surveillance, the execution of search warrants, debriefings of informants, questioning of witnesses, hand-to hand-purchases of narcotics, and reviews of taped conversations.

3. I have received specialized training in drug enforcement. Some of the specialized training includes, but is not limited to, classroom instruction

concerning drug identification, narcotic interdiction, narcotics smuggling, handling and use of confidential informants, and conducting money laundering and conspiracy investigations.

4. I make this affidavit from personal knowledge based on my participation in this investigation, as well as reports from other law enforcement officers, communications with others who have personal knowledge of the events described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware of relating to this investigation.

5. I submit this affidavit in support of a criminal complaint charging that, on or about April 10, 2023, within the Eastern District of Michigan, the defendant, Francisco Javier BALBUENA CISNEROS (XX/XX/1992), knowingly and intentionally possessed with intent to distribute 400 grams or more of a mixture and substance containing a detectable amount of fentanyl, in violation of 21 U.S.C. § 841(a)(1). There is also probable cause to believe that BALBUENA CISNEROS is in the United States unlawfully, having been removed. Specifically, defendant is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of

the Department of Homeland Security to re-apply for admission into the United States in violation of 8 U.S.C. § 1326(a).

SUMMARY OF PROBABLE CAUSE

6. Since approximately January of 2023, DEA Detroit has been investigating the fentanyl trafficking of a Mexico based Drug Trafficking Organization (DTO). This DTO is believed to be responsible for distributing kilogram quantities of fentanyl from Mexico, into the United States, to include Detroit, MI. Furthermore, the DTO is known to utilize narcotic couriers from the State of New Mexico.

7. In January of 2023, DEA Detroit utilized a DEA Confidential Source (DEA-1) to conduct a series of consensually recorded calls/texts with a Mexico based DTO member. This member has been identified by DEA, however for purposes of this affidavit is not being identified. In coded conversation, DEA-1 informed the DTO member he/she was interested in obtaining a kilogram of fentanyl for approximately \$22,000.00. This kilogram was successfully seized in January 2023, by DEA in Southfield, MI and sent to the DEA laboratory which confirmed it was fentanyl. DEA-1 has provided information in previous DEA investigations which has successfully led to the seizures of kilogram quantities of cocaine and heroin. DEA-1 is currently working for monetary consideration in this

investigation and is not currently on probation or parole. For purposes of this investigation, DEA-1 has been deemed credible and reliable.

8. Since January of 2023, at the direction and under direct supervision of investigators, DEA-1 has continued to communicate with the same Mexico based DTO member regarding obtaining additional kilograms of fentanyl. Through a series of consensually recorded/monitored calls and texts the Mexico based DTO member informed DEA-1 that he/she would be coordinating the delivery of two (2) kilograms of fentanyl to the Detroit area on or about April 10, 2023. The DTO member further stated that a courier would be driving to the Detroit area on or about April 8, 2023, to deliver the two (2) kilograms of fentanyl. The DTO member instructed DEA-1 to contact the drug courier directly at telephone number **xxx-xxx-5780 (Courier Drug Phone)**. DEA-1 subsequently called this number and spoke with a subject who stated he was approximately five hours away from Detroit. DEA-1 then communicated with the Mexico based DTO member who stated the courier would meet with him/her on April 10, 2023, for purposes of supplying him/her with two kilograms of fentanyl.

9. On April 8, 2023, I submitted a State of Michigan warrant to obtain real-time GPS coordinates on the **Courier Drug Phone**. The warrant was authorized on the same day by 41-A District Court of Michigan Judge AnnMarie Lepore. Based on the information obtained from the warrant, investigators

observed the phone to be in the area of the Holiday Inn Express located at 6355 Mercury Drive, Dearborn Heights.

10. On April 9, 2023, investigators located a 2011 Volkswagen Jetta with New Mexico registration BJB31 parked in the parking lot of the Holiday Inn Express. Investigators had previously identified vehicles utilized by this DTO being registered in New Mexico.

11. On April 10, 2023, investigators established physical surveillance on the Volkswagen Jetta as it was parked unoccupied at the Holiday Inn Express. DEA-1, at the direction and supervision of agents, contacted the Mexico DTO member and agreed on a location to meet in Southfield, MI to conduct the narcotics transaction. The DTO member informed DEA-1 that the courier would be in a four door Volkswagen, consistent with the Volkswagen parked at the Holiday Inn Express. Several minutes later, investigators observed a subject later identified as Francisco Javier BALBUENA CISNEROS exit the Holiday Inn Express and enter the driver side of the Volkswagen.

12. Investigators then began to follow the vehicle as it drove towards the agreed meet location. As the vehicle neared the meet location, the Mexico based DTO member contacted DEA-1 and stated the courier was approaching the meet location. At the request of DEA, Michigan State Police Trooper Josh Olszewski conducted a lawful traffic stop on the vehicle in the area of Telegraph and 13 Mile,

Oakland County, MI. Trooper Olszewski was in full uniform and a fully marked Michigan State Police patrol vehicle. Trooper Olzewski approached the driver, who was later identified by his Mexican Passport as Fransisco Javier BALBUENA CISNEROS. BALBUENA CISNEROS was the lone occupant of the vehicle. BALBUENA CISNEROS was unable to produce a valid driver's license. Trooper Olszewski requested BALBUENA CISNEROS to exit the vehicle, and BALBUENA CISNEROS complied.

13. Trooper Olszewski also requested consent to search the vehicle, and BALBUENA CISNEROS gave verbal consent. Trooper Olszewski then utilized his K-9 partner, Kai, to sniff the exterior of the vehicle. Kai is trained in the detection of heroin and cocaine. Kai gave a positive indication for narcotics at the front driver's side door. Trooper Olszewski then deployed K-9 Kai to the interior of the vehicle. K-9 Kai gave a positive indication on the interior passenger compartment of the vehicle. Trooper Olszewski then conducted a hand search inside the passenger compartment of the vehicle and located a black bag in plain view on the passenger seat, which contained two "brick" type packages wrapped in aluminum foil. The "brick" type packages were consistent with drug packaging and were seized by law enforcement. BALBUENA CISNEROS was placed under arrest.

14. Further, during the search of the vehicle, Trooper Olszewski located a passport identifying BALBUENA CISNEROS. Trooper Olszewski transported BALBUENA CISNEROS to the DEA Detroit Field Division for processing. While at the DEA Detroit Field Division, BALBUENA CISNEROS information was processed through Customs Border Patrol (CPB) which revealed Final Order of Removal Date of 09/10/2021. Customs and Border Patrol stated BALBUENA CISNEROS was removed from the United States and has not applied for reentry to the United States.

15. According to Trooper Olszewski, Canine (K-9) Kai is a two-year-old male German Shepherd, trained and certified in detecting controlled substances, including cocaine, crack cocaine, heroin and methamphetamine. K-9 Kai works daily with Trooper Olszewski of the Michigan State Police. K-9 Kai and Trooper Olszewski were both trained by the Michigan State Police. Kai and Trooper Joshua Olszewski were certified as a canine team in July 2021. K-9 Kai has performed hundreds of sniffs of buildings, motor vehicles, objects, and other related items and areas during both training and active canine requests. Based upon prior inspections, K-9 Kai's alert has been proven to be both accurate and reliable.

16. Further, while at the DEA Detroit Field Division, the suspected narcotics were processed according to DEA policy and procedure. During the processing, the "brick" type objects were opened which revealed a white powder

substance. I know through training and experience that the white pressed powder was consistent with being fentanyl. Additionally, the kilos had the name “Gerardo” and were stamped with “700”. I know this to be consistent with kilogram drug trafficking. I also know that that New Mexico is currently a source state of fentanyl to Michigan as well as other states in the United States. The fentanyl is currently awaiting official laboratory analysis. The packages with packaging had an approximate weight of 2,498 grams.



Picture of kilograms of suspected fentanyl

17. I conducted an inquiry into BALBUENA CISNEROS's criminal history, which revealed that he is an alien inadmissible under section 212 as of September 10, 2021.

18. Since BALBUENA CISNEROS was arrested, the Mexico based DTO member has continued to contact DEA-1 to inquire if he/she could find out if the courier was arrested. At the direction of investigators, DEA-1 asked the Mexico based DTO member to text him/her the name of the courier so he/she could research it. On the evening of April 10, 2023, the DTO member texted the name "Javier Francisco Balbena".

Respectfully submitted,

Kenneth Bresinski

Kenneth Bresinski, Task Force Officer
Drug Enforcement Administration

Sworn to before me and signed in my
Presence and/or by reliable electric means.



Hon. David R. Grand
United States Magistrate Judge

Dated: April 11, 2023